

August 6, 2004

Randy Scott, Plant Manager
Sunnyside Cogeneration Association
P.O. Box 159
Sunnyside, Utah 84539

Re: Conditional Approval of Removal/Adjustment of Culverts Along North Side
of Permit Area, Sunnyside Cogeneration Association, Star Point Refuse
Mine, C/007/042, Task ID #1983, Outgoing File

Dear Mr. Scott:

The above-referenced amendment is conditionally approved upon receipt of seven clean copies prepared for incorporation. Please submit these copies by October 4, 2004. Once we receive these copies, final approval will be granted, at which time you may proceed with your plans.

A stamped incorporated copy of the approved plans will also be returned to you at that time, for insertion into your copy of the Mining and Reclamation Plan. A copy of our Technical Analysis is enclosed.

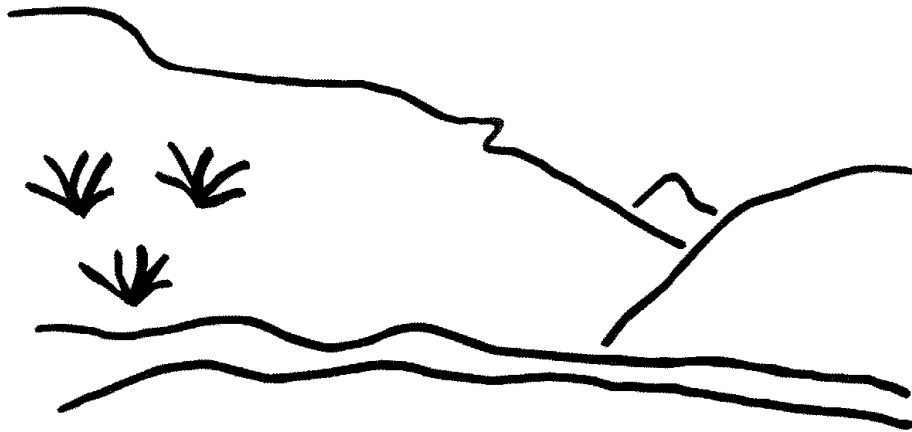
If you have any questions, please call me at (801) 538-5268 or Karl R. Houskeeper at (435) 613-1146, Ext. 201.

Sincerely,

Pamela Grubaugh-Littig
Permit Supervisor

KRH/sd
Enclosure
cc: Price Field Office
O:\007042.SWF\FINAL\COND_APP1983.DOC

State of Utah



Utah Oil Gas and Mining

Coal Regulatory Program

Star Point Refuse Mine
Removal/Adjustment of Culverts Along North Side of Permit Area
C/007/042
Task ID #1983
Technical Analysis
August 5, 2004

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TECHNICAL ANALYSIS

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The Division regulates the Surface Mining Control and Reclamation Act of 1977 (SMCRA). When mines submit a Permit Application Package or an amendment to their Mining and Reclamation Plan, the Division reviews the proposal for conformance to the R645-Coal Mining Rules. This Technical Analysis is such a review. Regardless of these analyses, the permittee must comply with the minimum regulatory requirements as established by SMCRA.

Readers of this document must be aware that the regulatory requirements are included by reference. A complete and current copy of these regulations and a copy of the Technical Analysis and Findings Review Guide can be found at <http://ogm.utah.gov/coal>

This Technical Analysis (TA) is written as part of the permit review process. It documents the Findings that the Division has made to date regarding the application for a permit and is the basis for permitting decisions with regard to the application. The TA is broken down into logical section headings which comprise the necessary components of an application. Each section is analyzed and specific findings are then provided which indicate whether or not the application is in compliance with the requirements.

Often the first technical review of an application finds that the application contains some deficiencies. The deficiencies are discussed in the body of the TA and are identified by a regulatory reference which describes the minimum requirements. In this Technical Analysis we have summarized the deficiencies at the beginning of the document to aid in responding to them. Once all of the deficiencies have been adequately addressed, the TA will be considered final for the permitting action.

It may be that not every topic or regulatory requirement is discussed in this version of the TA. Generally only those sections are analyzed that pertain to a particular permitting action. TA's may have been completed previously and the revised information has not altered the original findings. Those sections that are not discussed in this document are generally considered to be in compliance.

INTRODUCTION

INTRODUCTION

The Division received an application to remove/adjust culverts along the North side of the permit area on July 6, 2004. The application requests the removal of the following culverts adjacent to Carbon County Road 290:

- Culvert 16B
- Culvert 16C
- Culvert 16D
- Culvert 16E
- Culvert 16Ea
- Drop Inlet & Culvert (North end of Ditch 32)

The application indicates that when the culverts are removed they will be replaced with a grouted diversion ditch. The diversion ditch should be of the same design as the diversion ditch immediately above and below the culverts that are being removed.

The application also addresses administrative adjustments regarding MSHA classification, and adjustments in directors and officers in the parent companies to Sunnyside Cogeneration Associates.

INTRODUCTION

GENERAL CONTENTS

GENERAL CONTENTS

IDENTIFICATION OF TERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

Information submitted in the application included updated Directors and officers information for (CP Sunnyside I, Inc.), (Sunnyside II, Inc. & Sunnyside III, Inc.), (Colmac Sunnyside, Inc.), and (Sunnyside Holdings I, Inc.).

Changes were also made to section 112.700 MSHA Numbers. The changes stem from the fact that MSHA has abandoned the refuse pile and number associated with the refuse pile. However, MSHA still has a Mine ID number assigned to the mine site (MSHA Mine ID Number 42-02334). Information was provided by the permittee, from MSHA, to the Division to show the abandonment of the refuse pile. Section 112.700 has been modified to indicate that the MSHA Mine ID Number 42-02334 is still in effect and that MSHA still retains responsibility at this facility.

Findings:

Information provided in the proposed amendment is considered adequate to meet the requirements of this section.

VIOLATION FORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

Analysis:

The violation history in the approved MRP is up to date and a check of the AVS system showed that there are no outstanding violations.

Findings:

Information in the approved MRP is considered adequate to meet the requirements of this section.

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OPERATION PLAN

OPERATION PLAN

MINING OPERATIONS AND CILITIES

Regulatory Reference: 30 CFR 784.2, 784.11; R645-301-231, -301-526, -301-528.

Analysis:

The applicant plans to remove culverts 16B, 16C, 16D, 16E and 16Ea along the south side of the access road and replace them with drainage ditches 16A, 16B, 16C, 16D, 16E and 16F. A drop drain located next to culvert 16F will be removed and replaced with a diversion ditch. Culverts 16A and 16F will remain. The ditches and culverts will transmit runoff from the disturbed area into a settling basin before it drops into Pond 6. Table 742a identifies the culverts, which will be removed from the plan, and Plate 731.720b identifies the culverts on SCA's waste fuel site. Table 724a provides the design parameters to calculate the discharge for a 25 yr.-24 hr. peak discharge and a 100 yr-6 hr peak discharge event.

Findings:

The permittee has supplied the minimum requirements to address the Mining Operations and Facilities section of the regulations.

MAPS, PLANS, AND CROSS SECTIONS OF MINING ERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-512, -301-521, -301-542, -301-632, -301-731, -302-323.

Analysis:

Affected Area Maps

The applicant has provided Maps 731.720a and 731.720b that show the effected area and structures. Map 731.720b should show the operational structures only, when the amendment is approved.

Mining Facilities ps

The mining facilities are shown on several maps including maps 521.100a, 521.100b, and 521.100c. A professional engineer certified all the maps.

Findings:

The applicant has provided sufficient information in the maps to address the minimum requirements of this section.